

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WALTER OGROD	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA, ET AL.	:	NO. 21-2499

ORDER

AND NOW, this 12th day of April, 2022, upon consideration of Defendants Detective Martin Devlin and Detective Paul Worrell’s “Motion to Dismiss Plaintiff’s Complaint Under Fed.R.Civ.P. 12(b)(6)” (Docket No. 18), “Defendants the City of Philadelphia, Edward Rocks, Laurence Nodiff, and Joseph Washlick’s Motion to Dismiss for Failure to State a Claim” (Docket No. 19), and all documents filed in connection with both Motions, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the both Motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Count I is **DISMISSED** to the extent that it asserts a malicious prosecution claim grounded on the Fourteenth Amendment.
2. Counts II is **DISMISSED** to the extent that it asserts a Due Process claim grounded on Brady violations and/or a violation of Plaintiff Walter Ogrod’s right to a constitutionally adequate investigation.
3. Counts V (Failure to Intervene), and VIII (supervisory liability claim against Defendant Washlick) are **DISMISSED** in their entirety.
4. Count IX is **DISMISSED** to the extent that it asserts Monell claims resting on underlying constitutional claims that have themselves been dismissed based on qualified immunity.

5. All remaining claims against Defendant Washlick are **DISMISSED**, and Washlick is **DISMISSED** as a Defendant in this action.
6. In all other respects, the Motions are **DENIED**.

BY THE COURT:

/s/ John R. Padova, J.

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